

**KENTUCKY BOARD OF HOME INSPECTORS
MEETING MINUTES
January 8, 2013**

A meeting of the Kentucky Board of Home Inspectors was held at the Frankfort office on January 8, 2013.

MEMBERS PRESENT

Kevin Farris, Chairman
Mitch D. Buchanan, Vice Chairman
Ken Fister
J.R. Bone
James A. Chandler
Mark Schmidt
Robert P. Johnson
Mark G. Oerther

OCCUPATIONS AND PROFESSIONS STAFF

Lindsey Lane, Board Administrator

OTHERS

Brian Judy, Office of the Attorney General
Ryan Halloran, Office of the Attorney General
Don Gaines, A-Pass Weikel
Bud Wenk, Z Best Home Inspections
Kenny Martin, Commonwealth Home Inspections

CALL TO ORDER

Kevin Farris, Board Chairman, called the meeting to order at 10:18 a.m.

MINUTES

A motion was made by Ken Fister to approve the minutes of the December 11, 2012 meeting. Motion, seconded by J.R. Bone, carried.

MONTHLY FINANCIAL REPORT

The financial statement for the month ending December 31, 2012 was presented to the Board for review. The Board discussed the need to know the allotment balance for each quarter. This would assist in knowing how much money the Board is spending and saving each quarter.

O&P REPORT

O&P has two new employees working in the Operations Section. This will expedite travel reimbursements and allow the daily mail to reach Board Administrators much faster. O&P will also be posting the vacant Board Administrator position soon.

LICENSURE STATUS REPORT

A Licensure Status Report dated January 8, 2013 was presented to the Board for review. The report showed there are currently 317 active licenses, 20 inactive licenses, and 348 expired licenses. No further action was required.

BOARD CHAIRMAN'S REPORT

Mr. Farris discussed the need to set dates for a work session for the Board that will be held off site. Ms. Lane will be sending out dates for the Board to respond with dates that will work for them. The Board agreed to hold this work session at Kentucky Dam Village State Park. Mr. Farris explained there's a great need for this event as it will allow the Board to work on several pending issues.

BOARD COUNSEL REPORT

Ryan Halloran of the Office of the Attorney General introduced new Board Attorney Brian Judy. Mr. Judy has a great deal of experience in litigation and hearings as he has served in several different capacities as legal counsel within state government. Mr. Judy has been assigned to the Board of Home Inspectors as well as several other Boards that are with the Office of Occupations and Professions.

The Board reviewed the Renewal Regulation that former Board Counsel Angela Evans drafted. After reviewing and making some a couple of revisions Mr. Bone made a motion to approve the draft and file with the Legislative Research Commission. Mark Oerther seconded that motion and it carried.

A letter of reprimand was issued in December by the Board to a licensed Inspector that was involved in the complaint process. Mr. Halloran requested the Board go into closed session so that they may discuss the response that was received at the Board office regarding the reprimand. Mr. Halloran read the Open Meetings Law to the public and informed the Board that a motion must be made to go into closed session. At 11:11am. Mr. Schmidt made a motion to go into closed session. Mr. Bone seconded that motion and it carried. At 11:27am a motion was made to go back into open session by Mr. Schmidt. Jim Chandler seconded that motion and it carried. Mr. Halloran began explaining that the recipient of the reprimand does have the option to request a hearing. The Board would have a panel that would handle the finding of facts. The request was made by the recipient to have a hearing. A motion was made by Mr. Bone to grant the Hearing to the licensee. Mr. Fister seconded that motion and it carried. The Board is to have no further discussion with the licensee. Notices will be sent out regarding dates and times of the hearing.

Mr. Schmidt requested an update on the case involving someone practicing as a Home Inspector without a license in Danville. Mr. Judy was able to provide an update from former counsel. A complaint for Injunctive Relief was filed on July 12, 2011. A private investigator was previously hired to serve this individual with a summons but was unable to locate them. A Restraining Order and Temporary Injunction were entered October 5, 2011 for the pendency of the case. A Warning Order Attorney was appointed and was also unable to serve this individual. The Temporary Injunction is effective during the pendency of the case and can be enforced if the board ever has proof that this individual is doing home inspections as defined by statute. If no action is taken in this case, eventually, the court will place the case on a Show Cause docket to determine if it should be dismissed. Mr. Schmidt asked Ms. Lane to continue placing this item on the agenda each month so the Board is aware of any changes that may have been made from the previous month.

OLD BUSINESS

The Board discussed the current Standards of Practice. Mr. Chandler explained the SOP task force had met and decided there was no need to re-write the SOP's. At this time the majority of licensees use the American Society of Home Inspectors as their standard of practice. Inspection reports would not have to change if ASHI and National Association of Home Inspectors were used by Inspectors. The task force will meet again to readdress this issue. Mr. Chandler will report back once this meeting has taken place.

NEW BUSINESS

Ms. Lane requested the Board allow licensees social security numbers on initial applications for licensure. At this time the Board requires that information on the renewal application but not the initial application. This would be a huge help in filing the licensees in the Board's current database that is used to store their contact information. Mr. Fister made a motion to add a line to the application requiring social security numbers. Mr. Bone seconded that motion and it carried.

Email correspondence was received from one of associations requesting clarification on Manufactured Housing requirements and law. The Board determined that in the past three hours were all that was needed to fulfill the requirement for Manufactured Housing Continuing Education. This requirement will remain the same. There is still some confusion regarding Instructor qualifications for Manufactured Housing as the course that was once offered is no longer available. Mr. Fister informed the Board that there is an online module that some use. Mr. Fister will provide more information on this course in next month's meeting.

EDUCATION COMMITTEE REPORT

Mr. Fister made a motion to approve the Continuing Education application received by Kentucky Real Estate Inspectors Association. Mr. Oerther seconded that motion and it carried. Mr. Fister requested Ms. Lane send a letter back to American Home Inspectors Training Institute asking them to be more specific in their application. The school needs to explain what they plan to cover in these courses and show an outline of how this will be taught.

APPLICATIONS COMMITTEE

The applications committee reviewed several renewal applications. Mitch Buchanan discussed a renewal that was received with an inspection report that was five years old. The application requires an inspection that has been done within the last twelve months of that renewal deadline. The committee also reported they are requesting a licensee come in to discuss his inspection report that was provided in his renewal. The following were approved for renewal:

- Robert Wells
- Gregory Anderson
- Stanley Bennett
- Ted Shields
- James Bone
- Devin Devore
- Thomas Hughes

- Timothy Mattingly
- David McLean
- Mark Pemberton
- Donald Rust
- Ray Sandbek
- Raymond Williams
- Kenneth Clayton
- Richard Staviski

COMPLAINTS COMMITTEE

No Report in January

TRAVEL AND PER DIEM

Mr. Bone made a motion to approve the travel and per diem for members attending today's meeting. The motion, seconded by Mr. Buchanan, carried.

NEXT MEETING

The next meeting is scheduled for February 12, 2013 at the Frankfort office at 10:00 a.m. with the Committee meetings starting at 9:00 a.m.

ADJOURN

Mr. Bone made a motion to adjourn at 12:40 p.m., having no further items of discussion. The motion, seconded by Mr. Buchanan, carried.

Kevin Farris, Chairman